

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANGELA I. ROSE,) Case No. 1:22-cv-00244
Plaintiff,) Judge Dan Aaron Polster
v.)
COMMISSIONER OF SOCIAL) ORDER ADOPTING REPORT
SECURITY,) AND RECOMMENDATION
Defendant.)

Before the Court is Magistrate Judge Armstrong's Report and Recommendation that recommends the Court affirm the defendant's decision to deny the plaintiff's application for Disability Insurance Benefits, Period of Disability, and Supplemental Security Income. ECF Doc. 13. Magistrate Judge Armstrong filed her Report and Recommendation on February 3, 2023.

Under 28 U.S.C. § 636(b)(1)(C), a party has fourteen days from when she receives a copy of the Report and Recommendation to serve and file written objections. If a party files an objection, then the Court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* If a party does not timely file written objections, she waives her right to a court's de novo determination of the Report and Recommendation. *Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 472 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").

The plaintiff's fourteen-day period to object to the Report and Recommendation expired on February 17, 2023. As of the date of this order, the plaintiff has not submitted any objections.

Therefore, the plaintiff has waived her right to this Court making a de novo determination of the Report and Recommendation.

Similarly, the failure to timely object “results in a waiver of appeal on that issue as long as the magistrate judge informs the parties of the potential waiver.” *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019) (citing *United States v. Walters*, 638 F.2d at 949-50). Section VII of the Report and Recommendation explained the parties’ right to object, the specified timeline under Local Rule 72.3(b) and Fed. R. Civ. P. 72(b), and the parties’ potential waiver if they failed to object. ECF Doc. 13, pp. 29-30. Therefore, the plaintiff has also waived her right to appeal the Report and Recommendation.

Even so, the Court has reviewed the Magistrate Judge’s thorough Report and Recommendation and concurs that substantial evidence supported the Administrative Law Judge’s findings. Therefore, the Court agrees that the Commissioner of Social Security’s final decisions should be affirmed.

Accordingly, the Court ADOPTS the Report and Recommendation in full and DISMISSES the above-captioned case.

IT IS SO ORDERED.

Date: February 23, 2023

/s/ Dan Aaron Polster
Dan Aaron Polster
United States District Judge